

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CAROLYN CARNAHAN, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

BIG FISH GAMES, INC., a Washington
corporation,

Defendant.

No. 2:14-cv-01182

STIPULATION AND ORDER: (1)
ESTABLISHING A BRIEFING SCHEDULE
FOR DEFENDANT'S MOTION TO
DISMISS ; (2) EXTENDING DEADLINES
RELATING TO JOINT STATUS REPORT
AND DISCOVERY PLAN; AND (3)
REQUESTING RELIEF FROM
LCR 23(a)(i)(3)

NOTE ON MOTION CALENDAR:
Thursday, October 02, 2014

STIPULATION

In order to efficiently manage initial pleadings and motions in response to the Complaint, undersigned counsel for Defendant Big Fish Games, Inc. ("Big Fish") and Plaintiff Carolyn Carnahan ("Carnahan" or "Plaintiff") (referred to collectively as the "Parties") hereby stipulate and agree as follows:

CERTIFICATE OF SERVICE
(No. 2:14-cv-01182) – 1

1. Defendant Big Fish intends to respond to Plaintiff Carnahan's Complaint (Dkt. No. 1) in this action by filing a Motion to Dismiss Pursuant to Rule 12(b)(6) (the "Motion") on October 8, 2014 (Dkt. No. 16).

2. The Parties have mutually agreed to a briefing schedule on Big Fish's Motion, with Big Fish's Motion to be filed on October 8, 2014, Plaintiff's Opposition to be filed on November 3, 2014, and Big Fish's Reply to be filed on November 14, 2014. The Motion shall be noted for consideration on November 14, 2014.

3. Per the Court's September 2, 2014, Order Regarding Initial Disclosures and Joint Status Report (Dkt. No. 15), counsel for Plaintiff and Carnahan preliminarily conferred on September 25, 2014, regarding the status of the action and related case schedule issues.

4. During the September 25th conference, Defendant suggested that the Court's ruling on Big Fish's Motion may affect its respective position on the discovery plan and case schedule in this action, and as a result, the Parties thus agreed that completing their conference pursuant to Federal Rule of Civil Procedure 26(f), submitting a related Joint Status Report, and exchanging Initial Disclosures, will be more efficient and reduce effort if completed with the benefit of the Court's ruling on that Motion.

5. The Parties further agreed that, in light of the anticipated filing of Big Fish's Motion, and the expected submission of a Joint Status Report with proposed case schedule after the ruling on that Motion, it will be impracticable for Plaintiff to move for class certification within one hundred eighty days of the filing of the Complaint as provided for in LCR 23(a)(i)(3).

6. As a result, the Parties agree that good cause exists to extend the period for Plaintiff to move for class certification because: (1) the Court's ruling on Big Fish's Motion may affect the Plaintiff's approach to class certification; (2) discovery on class-related issues will be required prior to the full briefing of that motion; and (3) the Parties anticipate proposing fixed dates for briefing Plaintiff's class certification motion in their Joint Status Report.

RESPECTFULLY SUBMITTED this 2nd day of October, 2014.

/s/ Charles C. Sipos

Susan Fahringer, WSBA No. 21567
SFahringer@perkinscoie.com
Charles C. Sipos, WSBA No. 32825
CSipos@perkinscoie.com
Perkins Coie, LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000

Attorneys for Defendant Big Fish Games, Inc.

/s/ Eve-Lyn J. Rapp

Cliff Cantor, WSBA # 17893
Cliff.cantor@outlook.com
Law Offices of Clifford A. Cantor, P.C.
627 208th Avenue SE
Sammamish, WA 98074
Telephone: 425.868.7813
Facsimile: 425.732.3752

Jay Edelson (*Pro Hac Vice*)
jedelson@edelson.com
Rafey S. Balabanian (*Pro Hac Vice*)
rbalabanian@edelson.com
Benjamin H. Richman (*Pro Hac Vice*)
brichman@edelson.com
Eve-Lyn J. Rapp (*Pro Hac Vice*)
erapp@edelson.com
Edelson PC
350 North LaSalle Street, Suite 1300
Chicago, IL 60654
Telephone: 312.589.6370
Facsimile: 312.589.6378

Attorneys for Plaintiff Carolyn Carnahan

ORDER

Pursuant to the Stipulation of the Parties, the Court ORDERS as follows:

1. Defendant Big Fish's Motion to Dismiss shall be filed on October 8, 2014, and noted for consideration on November 14, 2014. Plaintiff's Opposition to Big Fish's Motion shall be filed on November 3, 2014. Big Fish's Reply in Support of its Motion shall be filed on November 14, 2014.

2. The schedule for the Parties' Joint Status Report and Discovery Plan (Dkt. No. 15) shall be adjusted as follows with the Parties to provide a proposed fixed date for Plaintiff's motion for class certification in their Joint Status Report:

Task	Current Date	Proposed Date
Deadline for FRCP 26(f) Conference	09/30/2014	14 days after Court's ruling on Big Fish's Motion, unless the Court dismisses the Complaint with prejudice
Initial Disclosures Pursuant to FRCP 26(a)(1)	10/07/2014	28 days after Court's ruling on Big Fish's Motion, unless the Court dismisses the Complaint with prejudice
Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Rule 16	10/14/2014	28 days after Court's ruling on Big Fish's Motion, unless the Court dismisses the Complaint with prejudice

DATED this 3rd day of October, 2014.



Marsha J. Pechman
Chief United States District Judge